

**REMARKS**

Claims 24, 27-39, and 43-55 are pending. In this paper, claim 37 is amended to correct a readily discernible error (see corresponding clauses in claims 24 and 51). No new matter is submitted. Claim 44 is canceled without prejudice. All other pending claims are unchanged.

In reviewing the previous Response (07/07/06), it was noticed that claim 44, which was amended at that time, was represented as being "Previously Presented." This was an error; the claim should have been represented as "Currently Amended." The Examiner is requested to please make the appropriate correction in the record.

Applicants direct the Examiner back to page 8 of Applicants' previous Response, dated July 7, 2006, in which the following request was made:

If any issues remain after consideration and entry of this Amendment, the examiner is requested to contact the undersigned to schedule a telephonic interview. Applicants have a right to an interview at this stage of prosecution, so failure by the examiner to make the requested contact followed by issuance of a final action will be regarded as an acquiescence by the examiner to allow an interview after the final action.

Failure of the Examiner to respond to this request is strongly traversed, especially now that the subject Office action is final. The request was appropriate and timely made, and was made with a sincere desire to forward prosecution of this case. The undersigned is unaware of any applicable law giving the Examiner liberty not to respond to such a request. THE UNDERSIGNED HEREBY SPECIFICALLY REQUESTS THAT THE EXAMINER CONTACT THE UNDERSIGNED TO SCHEDULE AN INTERVIEW, TO WHICH APPLICANTS STILL HAVE A RIGHT.

Applicants also direct the Examiner to page 2 of the Office action, in which the Examiner, in the "Response to Arguments," stated, "Applicant's amendment and arguments with respect to claims 24, 37, 44 and 51 filed July 10, 2006 have been fully considered but are moot in view of the new ground(s) of rejection." In reply, it is pointed out that the Examiner contended that both Applicants' amendment and arguments are moot. Applicants' amendments cannot possibly be moot since the amendments were the apparent impetus for the "new ground(s) of rejection" set forth in the current Office action. Simply stated, a truly moot amendment is simply what it is stated to be: moot, by which is meant that it no longer has any relevance or effect. Since the subject amendments in fact had relevance and effect (resulting in the current Office action), they cannot possibly be moot. Also, the

current Office action is a direct consequence of Applicants' amendments and arguments in the prior Office action. This fact (and the facts that Janow remains the primary reference, Deluca remains the first secondary reference, and most of the current Office action is a verbatim repeat of the Examiner's contentions in the previous Office action, see, e.g., page 3, lines 5 to end; page 4, lines 4 to end; page 5, lines 16-18 and 22; page 6, lines 5-7, 10-11, 18-19; page 7, lines 2-3, 6-7, 10-11, 14-16, 19-21; page 8, lines 1-2, 5-9, 12-16, 19-21; page 9, lines 1-2, 5-7, 10-12, and 15-19) indicate that Applicants' amendments and arguments in the previous Response clearly were not moot.

Therefore, if the alleged "mootness" of Applicants' previous response was the basis upon which the current Office action was denoted as "final," Applicants hereby suggest that the finality of the Office action is premature and request that the finality be withdrawn.

Turning now to the current rejections, claims 24, 27, 29-31, 33-39, 43-49, 51, and 53-54 stand rejected for alleged obviousness from Janow in view of Deluca and Segur. This rejection is traversed.

Claim 44 is canceled herein without prejudice, so this rejection is no longer applicable with respect to claim 44.

Independent claim 24 is directed to, *inter alia*, wireless communication devices. The wireless device comprises a receiver configured to receive a plurality of messages of a first format and a plurality of messages of a second format. The wireless device comprises a memory configured to receive at least one message-classification rule input into the memory by a user of the wireless communication device, wherein the message-classification rule is at least for prioritizing the messages. The wireless device comprises a processor that is connected to the receiver and to the memory, wherein the processor is configured to determine, based on the at least one input message-classification rule, classification information for the plurality of messages of the first format and the plurality of messages of the second format, and the classification information includes at least a prioritization of the messages. The wireless device comprises a display that is connected to the processor and configured to present the classification information associated with the messages of the first format and of the second format. Thus, it is the wireless device, not some other thing, that has the full combination of the receiver, the memory, the processor, and the display, each being configured in its respective claimed manner.

As noted above, claim 24 requires that the subject wireless device comprise a receiver that is configured to receive a plurality of messages of a first format and a plurality of messages of a second

format. The Office action contends that Janow discloses such a receiver, citing col. 2, lines 30-40. Applicants point out that this contention is incorrect. The pager 21 to which the Office action refers is understood to receive pager signals ("pages"), and only pager signals. See, e.g., col. 2, lines 17-19, 22-24, 34-36, 53-54. The pager signals may result in the pager producing an alert and/or displaying a message, col. 2, line 63 to col. 3, line 3, but the signals entering the pager itself are all the same. The Office action contends that items 10 and 20 of Janow represent two different message formats. This contention is incorrect. Item 10 is an exemplary messaging platform (specifically a voice messaging platform). But, item 10 is not part of the pager 21; and items 11-13, 50, and 20 are not part of the pager 21 either, and Janow provides no teaching or suggestion otherwise. If a messaging platform 10-13 receives a message, the respective messaging platform contacts the paging system 20 (note in FIG. 2 that all the messaging platforms 10-13 are connected via the telecommunication network 50 to the paging system 20), and if certain subscription criteria are met the paging system sends a pager signal (page) to the pager 21. Col. 2, lines 42-54. Thus, it is understood that, no matter which messaging platform 10-13 sends a message in its respective format to the paging system 20, the paging system 20 sends one format of message (the page message) to the pager 21. If the pager were configured to receive more than one type of message format, then the paging system 20 would be unnecessary because the pager 21 would receive messages (in their respective formats) directly from the message platforms 10-13. Janow clearly does not disclose or suggest this. The only reasonable conclusion, then, is that the receiver in the pager 21 is not configured to receive messages of multiple formats but rather messages of only one format, namely page messages. In view of the above, messages of a single format as received by the pager 21 cannot be made to mean messages of multiple formats. Therefore, the pager 21 does not comprise a receiver as claimed.

As noted above, claim 24 requires that the subject wireless device comprise a memory that is configured to receive at least one message-classification rule input into the memory by a user of the wireless communication device, wherein the message-classification rule is at least for prioritizing the messages. As discussed previously in the record (page 11 of Response of 12/16/05), Janow is understood actually to teach away from any way in which criteria for classifying messages are or could be input by the user of the pager, whether into some kind of memory or into anything else. Furthermore, the Janow pager has no apparent means for inputting a message-classification rule(s). *Id.* Hence, this feature of claim 24 is not taught or suggested by Janow. As already admitted by the

Examiner (Office action of 4/21/06, page 4, lines 1-2), Deluca does not fulfill this deficiency of Janow.

As also noted above, claim 24 requires that the subject wireless device include a processor that is configured to determine, based on the at least one input message-classification rule, classification information for the plurality of messages of the first format and the plurality of messages of the second format, wherein the classification information includes at least a prioritization of the messages. The Examiner has already admitted (top of page 5 of the Office action) that Janow in view of Deluca (and hence also Janow alone) "did not explicitly disclose the message-classification rule being at least for prioritizing the message." Applicants also point out that these two references in combination do not even suggest such a rule. Janow certainly does not, in view of its failure to disclose anything concerning a message-classification rule. In Deluca the graphics database 155 simply stores, basically in the form of a lookup table, a list of images corresponding to respective graphic-image codes. Col. 2, lines 57-60. Lots of different kinds of databases use lookup tables, but such use of lookup tables would not and does not render obvious the instantly claimed wireless device comprising a processor configured as recited in claim 24.

As also noted above, claim 24 also requires that the wireless device include a display connected to the processor, wherein the display is configured to present the classification information associated with the messages of the first format and of the second format. Since Janow and Deluca fail to disclose or suggest the three respective features discussed in the three preceding paragraphs, these references also fail to teach or suggest this feature.

These deficiencies of Janow and Deluca are not satisfied by Segur. Firstly, Segur does not fulfill the deficiencies of Janow and Deluca with respect to the receiver of the claimed wireless device. Secondly, Segur does not fulfill the deficiencies of the Janow and Deluca with respect to the recited memory, the recited processor, or the recited display of the claimed wireless device.

The Office action contends that "Segur teaches a memory [that] contains a message-classification rule being at least for prioritizing the message . . ." This contention is misapplied. First, claim 24 requires that the wireless device comprise such a memory. Segur does not disclose or suggest this. Rather, any memory discussed in Segur is located in, and only in, the client-server 10, 50. In FIG. 1, the client-server 10 is clearly shown as a separate device from any of the message-receiving devices 26-34. Similarly, in FIG. 2, the client-server 50 is clearly shown as a separate device from the depicted wireless phone 72. FIG. 2 also clearly shows that the client-server 50, not the wireless phone

72, has the memory 70. Just prior to the Examiner's cited text of col. 3, lines 44-55, Segur states that the server sends a summary of stored messages (in its memory) to the "client." Col. 3, lines 39-43. This summary can include priority codes. Col. 3, lines 43-44. If the server sends the summary and the sent summary can include a priority code, then the inescapable understanding is that the memory in the server, not in the wireless device, stores the priority rule.

Therefore, Segur does not disclose or suggest the claimed memory feature in the wireless device recited in claim 24.

Regarding the claimed receiver feature, Segur discloses a client-server 10, 50 that receives messages from a variety of sources ("communication formats"), col. 1, line 66 to col. 2, line 9. In FIG. 1 these formats are items 12-24; in FIG. 2 these formats are items 52-64. In FIG. 1, for example, the client-server 10 is configured to "store and convert" the incoming message formats to respective message forms suitable for any of the message-receiving devices 26-34. Col. 2, lines 12-18. But, in Segur, a respective message format goes to a respective message-receiving device, col. 2, lines 24-26. Segur provides no teaching or suggestion that multiple message formats can go to any one message-receiving device. Therefore, Segur does not cure the deficiencies of Janow and Deluca, either alone or in combination, regarding the claimed receiver feature.

Furthermore, even if a message receiving device 26-34 of Segur could be shown to have a memory, there is no teaching or suggestion in Segur that such a memory is configured to receive at least one message-classification rule (being at least for prioritizing messages) that is input by the user of the message-receiving device.

Furthermore, even if a message receiving device 26-34 of Segur could be shown to have a processor, there is no teaching or suggestion in Segur that such a processor is configured to determine, based on the at least one input message-classification rule, classification information for the plurality of messages of the first format and the plurality of messages of the second format, wherein the classification information includes at least a prioritization of the messages.

Therefore, no conceivable combination of Janow, Deluca, and Segur provides the combination of features recited in claim 24. Claim 24 is not obvious from any combination of these references and hence is properly allowable over them.

Each of claims 27-36 and 45-50 that depend from claim 24 recites at least one additional feature that, together with the combination of features recited in claim 24, is patentable in its own right

over any combination of Janow, Deluca, and Segur for reasons as discussed above regarding claim 24.

Independent claim 37 is directed to, *inter alia*, network devices for a wireless infrastructure.

Such a network device comprises a receiver, a memory, and a processor. The receiver is configured to receive messages of at least two types for a wireless network user who is using the network device. The memory is configured to receive at least one message-classification rule set predetermined by the user of the network device and input into the memory by the user, wherein the message-classification rule is at least for prioritizing the messages. The processor is connected to the receiver and to the memory. The processor is configured to evaluate the received messages based on the at least one rule set input into the memory and to produce associated message classifications based on the evaluations.

Many of the recited characteristics of the receiver and the distinctions of the receiver as claimed from the cited references are discussed above regarding claim 24.

Many of the particular characteristics of the memory and the distinctions of the memory as claimed from the cited references are discussed above regarding claim 24.

Similarly, many of the particular characteristics of the processor and the distinctions of the processor from the cited references are discussed above regarding claim 24.

Based on these distinctions, and since the rejection of claim 37 was grouped in the Office action with the rejection of claim 24, claim 37 is not obvious from any combination of the cited references, and thus is properly allowable.

Each of claims 38-39, 41, and 43 that depend from claim 37 recites at least one additional feature that, together with the combination of features recited in claim 37, is patentable in its own right over any combination of Janow, Deluca, and Segur for reasons as discussed above regarding claims 24 and 37.

Independent claim 51 is directed to, *inter alia*, wireless devices that are in wireless communication with a wireless infrastructure. Such a wireless device comprises a receiver, an input device, a processor, and a display. The receiver is configured to receive messages of at least one format from the wireless infrastructure and to provide the messages to a user of the wireless device. The input device is configured to be used by the user of the wireless device for inputting, into a database memory, at least one message-classification rule for at least prioritizing the messages. The processor is connected to the receiver and to the input device, and is configured, with respect to a message received by the receiver: (a) to recall the at least one message-classification rule from the

database memory and to determine, based on the at least one message-classification rule, classification information pertaining to the message, and (b) to organize the message according to the classification information. The display is connected to the processor and is configured to present the classification information to the user of the wireless device.

Independent claim 51 was discussed in the same section of the Office action as were claims 24 and 37. Hence, claim 51, which shares many features with claim 24, is properly allowable for all the reasons discussed above regarding claim 24.

Each of claims 52-55 that depend from claim 51 recites at least one additional feature that, together with the combination of features recited in claim 51, is patentable in its own right over any combination of Janow, Deluca, and Segur for reasons as discussed above regarding claim 24.

The status of claims 52 and 55 as being free of the cited prior art is noted.

Claims 24, 27-39, 41, 43, and 45-55 are properly allowable and action to such end is requested.

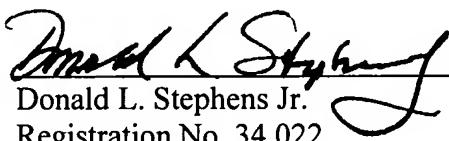
The interview request made above is repeated.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Facsimile: (503) 595-5301

By

  
Donald L. Stephens Jr.  
Registration No. 34,022